CITY COUNCIL REPORT



MEETING DATE: June 21, 2005

ITEM NO. GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

118th & Jomax Subdivision - 5-AB-2005

REQUEST

Request to consider the following:

- 1. Abandon 15 feet of Goldie Brown public utility and roadway easement along the property's western border (116th Street), abandon 10 feet of Goldie Brown public utility and roadway easement along the property's northern border (Jomax Rd.) and abandon 15 feet of Goldie Brown public utility and roadway easement along the property's southern border.
- 2. Dedicate 45 feet of City Street Right-of-Way along the property's northern border and dedicate 25 feet of City Right-of-Way along the property's western border (116th Street).
- 3. Dedicate 8 foot wide Public Utility Easements (PUE) and 1 foot wide Nonvehicular Access Easements (NVE) along the sites 116th Street and Jomax Road frontages.
- 4. Adopt Resolution No. 6679 vacating and abandoning a public right-ofway.

Related Policies, References:

The original Goldie Brown Pinnacle Peak Ranch Unit 2 was platted in Maricopa County in 1977 as Book 194, Page 26. The land was annexed into the city in 1983 as Rural-43 and was rezoned to R1-130 (Residential) District. Case 14-PP-2004, platted the 38-acre site into 12-3+/- acre residential lots plus internal roadway, known as Collina E Vista.

OWNER

Walker Family Trust, for the Collina E Vista Plat 253-395-2595

APPLICANT CONTACT

Tom Rief

Land Development Services LLC

480-946-5020

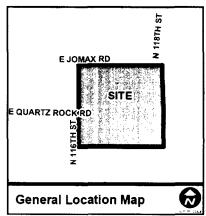
LOCATION

Southwest corner of 118th Street & Jomax Road

BACKGROUND

Background.

The 55-foot wide public utility and roadway easement along the north side of the site (Jomax Rd.-Major Collector) and the 40-foot wide public utility and roadway easement on the west side of the site (116th St.-Local Collector) were dedicated as part of the Goldie Brown Pinnacle Peak Ranch Unit 2 dedication in the 1970's. The request is to abandon excess portions of Goldie Brown easements and dedicate appropriate City rights-of-way.



Zoning.

The site is zoned R1-130 ESL (Single Residential with an Environmentally Sensitive Lands Overlay) District. R1-130 zoning district allows for single-family residential lots. ESL requires that environmentally sensitive areas such as large boulders, washes and steep slopes to be preserved, when platted or developed and dedicated as Natural Area Open Space (NAOS).

Context.

Property to the east (Cantabrica) and south (Yearling Estates) is zoned Single-Family Residential R1-130 ESL, each being developed as single-family subdivisions. Property to the north (Desert Summit) is zoned Single-Family Residential R1-70 ESL and property to the west has been developed as the Troon Parcel D subdivision, zoned Single-Family Residential R1-18 ESL.

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

- Abandon a 10 foot wide Public Utility & Access Easement along the northern property line (Jomax Road). This easement will be replaced with a 45-foot wide City right-of-way dedication. This additional portion of easement is not required for use as a roadway.
- Abandon a 15 foot wide Public Utility & Access Easement along the western property line (116th Street). This easement will be replaced with a 25-foot wide City right-of-way dedicated on the Final Plat.
- Abandon a 15 feet wide Public Utility & Access Easement along the south property line. Yearling Estates to the south, previously abandoned the 15-foot wide easement on their northern border. Similarly, the 15-foot abandonment on the Collina E Vista property is not required for use as a roadway.

As part of the Collina E Vista plat and this abandonment, the developer will dedicate a 45-foot wide road right-of-way along Jomax Road and a 25-foot wide right-of-way along 116th Street. As part of the pre-plat stipulations, the developer will undertake half-street improvements on 116th Street to match the existing roadway to the west. No public trails are identified on the Trails Master Plan on this property. With plat development, one eastbound lane and center median for Jomax Road will be constructed. The abandonment of the 15-foot wide roadway easement on the south property is consistent with the abandonment on Yearling Estates, the development to the south.

All appropriate public utility companies and City Departments have been contacted and expressed no objection. The abandoned areas will be added to each adjoining lot and are available to be dedicated as NAOS as each lot develops. These additional areas of potential open space are not required to meet Ordinance requirements however, will result in extra open space for the benefit of the community.

Key Issues.

CITY IMPACT:

Jomax Road is currently developed as a two-lane road. As part of the plat approval, the developer will construct one additional eastbound lane; along the sites frontage and landscape the center median within the 45 foot half street right-of-way. 116th Street is currently developed as a half-street and with the plat, the developer will finish out the roadway improvements, which include

adding pavement width and curbing. Development of these roads complies with the applicable City design standards. Related Public Utility Easements (PUE), Non-vehicular Access Easements (NVE) and NAOS easements will be dedicated in accordance with City and public utility requirements. The Transportation Department notes that the abandonment of the Goldie Brown easements is subject to dedication of public right-of-way being dedicated on the Final Plat. No GLO (Government Land Office Patent) easements are involved. No utilities, drainage structures or easements other than those being modified accordingly by the abandonment are affected by this case.

NEIGHBORHOOD IMPACT:

No adverse impact is foreseen on the neighborhood as a result of the abandonment. The improvements will result in improved roadway conditions to provide access for vehicles and pedestrians in the area. No neighborhood comment has been received on this case,

PROPERTY OWNER IMPACT:

The property is part of the recently approved Collina E Vista preliminary plat. The abandoned areas will be incorporated into adjacent lots and may be dedicated as open space as each lot develops. The additional area of potential open space benefits the future homeowner.

IMPACT ANALYSIS

Departmental Responses.

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

Open space, scenic corridors and public trails.

Portions of the required NAOS will be dedicated on the final plat. The remaining required NAOS will be dedicated on a lot-by-lot basis as each lot comes in to develop. Public trails will be constructed on the property to the north of Jomax Road and to east of 118th Street.

Policy Implications.

The area is in the Goldie Brown Pinnacle Peak Ranch area and within ESL. The abandonment of unnecessary portions of the old roadway and utility easements and subsequent dedication of City R.O.W. will meet future street dedication requirements. No properties will be denied or lose access as a result of these abandonments.

Community Involvement.

The applicant sent letters of notification for the proposed abandonment to all landowners within 500 feet of the site on March 16, 2005. The applicant has received no calls, letters or e-mails of objection. In addition, Staff has sent postcards of notice and posted the site. No public comment or objections have been received on this case.

OTHER BOARDS AND COMMISSIONS

Planning Commission.

The case was heard at the May 25, 2005 Planning Commission meeting. No citizen comment cards were received and the Commission had no questions regarding the case. The Planning Commission recommended approval of the case on consent agenda, 4-0.

STAFF Recommended Approach:

RECOMMENDATION Staff recommends approval.

RESPONSIBLE Planning and Development Services Department

DEPT(S)
STAFF CONTACT(S)
Al Ward
Randy Grant

Senior Planner Chief Planning Officer

480-312-7067 480-312-7995

E-mail: award@ScottsdaleAZ.gov E-mail: rgrant@ScottsdaleAZ.gov

APPROVED BY

Randy Grant

Date

Chief Planning Officer

Ed Gawf

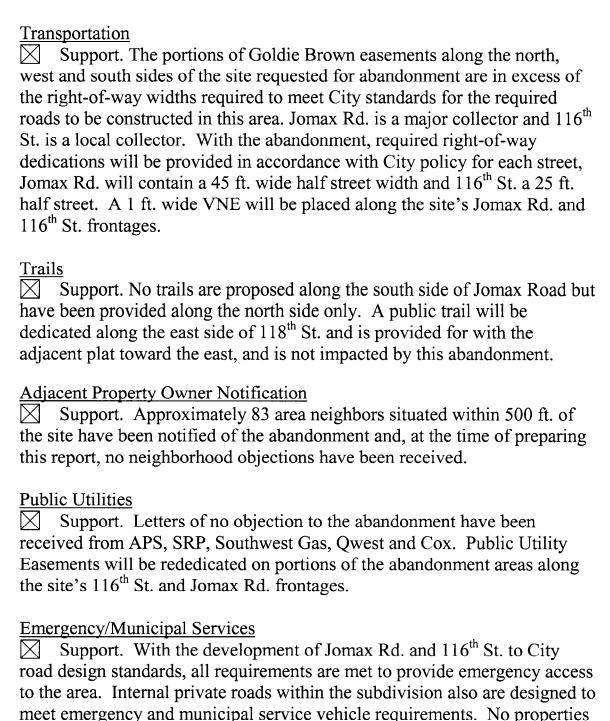
Deputy City Manager

ATTACHMENTS

- 1. Departmental Checklist
- 2. Context Aerial
- 3. Detail Aerial
- 4. Right-of-Ways & Easements
- 5. Area Trails Plan
- 6. City Notification Map
- 7. May 25, 2005 Planning Commission Minutes
- 8. Resolution No. 6679

CASE 5-AB-2005

Department Issues Checklist



are denied emergency vehicle access as a result of the abandonment.

Water/Sewer Services

Support. The City Water Resources Dept. does not have any conflicts with the proposed abandonments. The Dept. has indicated that all necessary dedications for water and sewer lines will be conveyed with the final plat for this property

<u>Drainage</u>

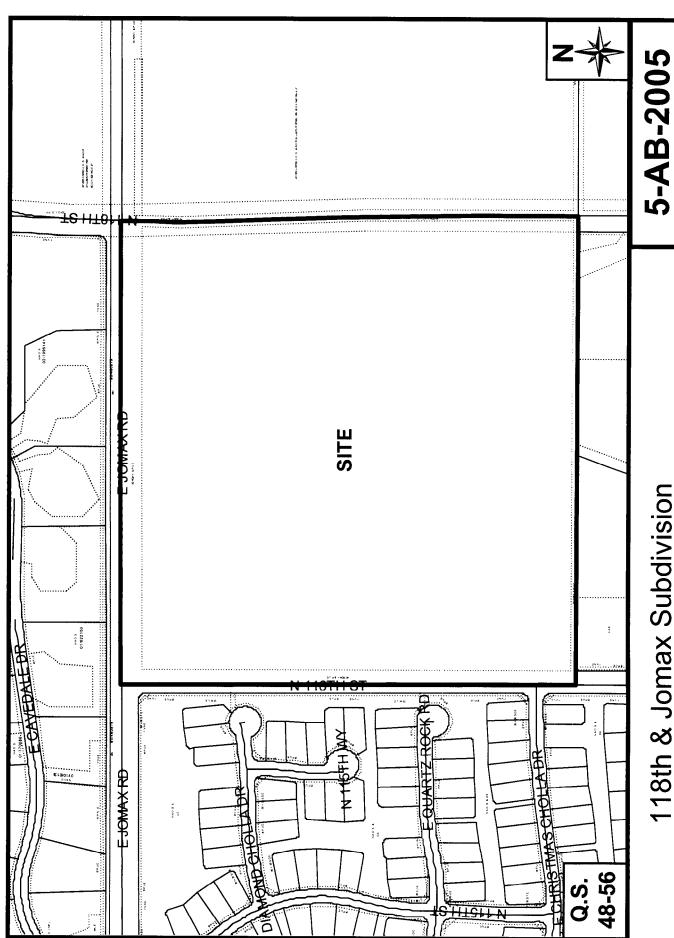
Support. No drainage issues are associated with this abandonment.

118th & Jomax Subdivision

5-AB-2005

118th & Jomax Subdivision

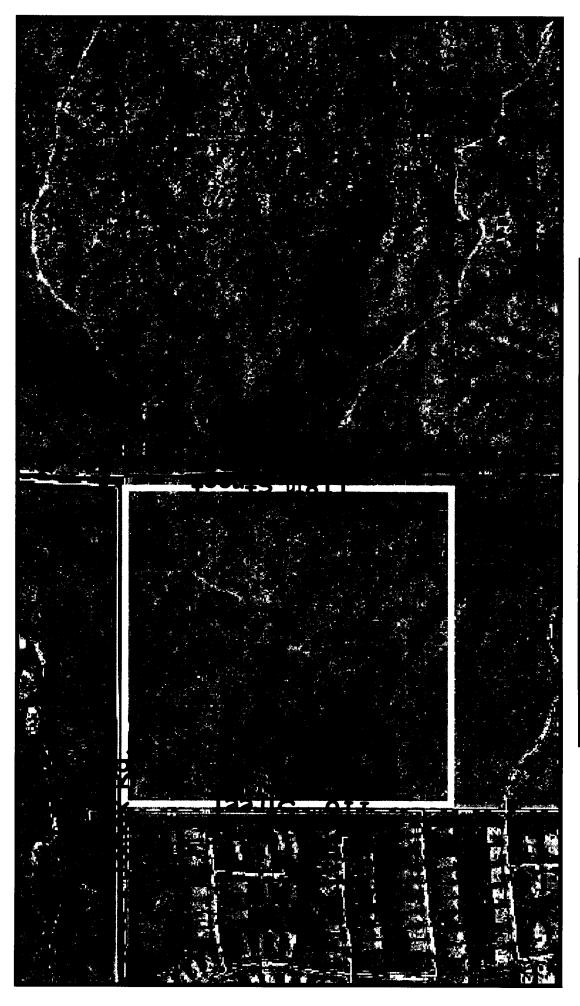
5-AB-2005 ATTACHMENT #3



118th & Jomax Subdivision

Easements & Right-of-Way ATTACHMENT #4

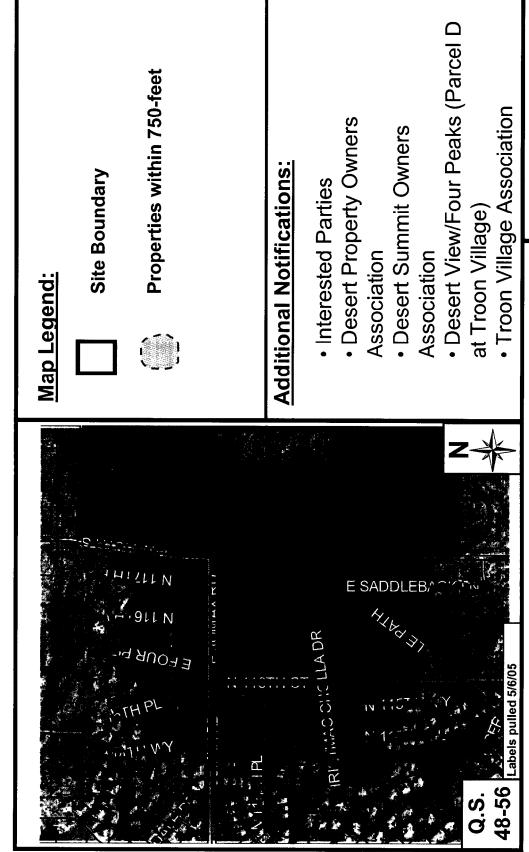
Public Trails in the area of 118th and Jomax





5/05

City Notifications – Mailing List Selection Map



5-AB-2005

118th & Jomax Subdivision

ATTACHMENT #6

City of Scottsdale Planning Commission May 25, 2005 Page 2

MINUTES APPROVAL

May 11, 2005

COMMISSIONER SCHWARTZ MOVED TO APPROVE THE MINUTES OF THE MAY 11, 2005 PLANNING COMMISSION MEETING AND STUDY SESSION. SECONDED BY COMMISSIONER BARNETT. THE CARRIED UNANIMOUSLY BY A VOTE OF FIVE (5) TO ZERO (0).

April 13, 2005

Mr. Jones confirmed that the minutes from the April 11, 2005 meeting will be considered at the June 8th meeting.

CONTINUANCES

COMMISSIONER SCHWARTZ MOVED TO CONTINUE <u>32-UP-2004</u> TO JUNE 15, 2005 AND <u>28-UP-2004</u> TO A DATE TO BE DETERMINED. SECONDED BY COMMISSIONER BARNETT. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF FIVE (5) TO ZERO (0).

EXPEDITED AGENDA

Chairman Gulino declared a conflict on <u>5-AB-2005</u> and turned the meeting over to Commissioner Heitel.

COMMISSIONER SCHWARTZ MOVED TO APPROVE <u>5-AB-2005</u>. SECONDED BY COMMISSIONER STEINKE. THE MOTION CARRIED BY A VOTE OF FOUR (4) TO ZERO (0), WITH CHAIRMAN GULINO ABSTAINING.

Mr. Jones requested that a motion to approve <u>3-ZN-2005</u> and <u>3-UP-2005</u> be amended to add that "City Council direct the Development Review Board to review the quantity and quality of landscaping in the parking lot islands and overall open space areas, and that they meet the use permit criteria."

COMMISSIONER SCHWARTZ MOVED TO APPROVE 1-AB-2005, 7-UP-2005, AND CASE NUMBERS 3-ZN-2005 AND 3-UP-2005 WITH THE STIPULATION, AS NOTED BY MR. JONES, THAT CITY COUNCIL DIRECT THE DEVELOPMENT REVIEW BOARD TO REVIEW THE QUANITY AND QUALITY OF LANDSCAPING IN THE PARKING LOT ISLANDS AND OVERALL OPEN SPACE AREAS, AND THAT THEY MEET THE USE PERMIT CRITERIA. SECONDED BY COMMISSIONER STEINKE. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF FIVE (5) TO ZERO (0).

RESOLUTION NO. 6679

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR JOMAX ROAD BETWEEN 116TH STREET AND 118TH STREET, TETHER TRAIL BETWEEN 116TH STREET AND 118TH STREET, AND 116TH STREET BETWEEN JOMAX ROAD AND TETHER TRAIL.

- A. A.R.S. Sec. 28-7201, et seq. provide that a city may dispose of a roadway or portion thereof when said property or portion thereof is no longer necessary for public use.
- B. After notice to the public, hearings have been held before the Planning Commission and Council of the City of Scottsdale ("City") on the proposed abandonment of the following described interests (collectively the "Abandonment Right-of-Way"):

Street right-of-way (the "Jomax Parcel") as described on Exhibit "A" attached hereto.

Street right-of-way (the "Tether Trail Parcel") as described on Exhibit "B" attached hereto.

Street right-of-way (the "116th Street Parcel") as described on Exhibit "C" attached hereto.

- C. The City Council finds that the Abandonment Right-of-Way is no longer necessary for public use as a roadway.
- D. The City Council finds that consideration and other public benefit commensurate with the value of the property, giving due consideration to its degree of fragmentation and marketability, will be provided to the City by the owner of the abutting property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Arizona, as follows:

- 1. <u>Abandonment</u>. Subject to the reservations below, the Abandonment Right-of-Way is abandoned as public street right-of-way.
- 2. <u>Reservations</u>. All of the following interests are reserved to City and excluded from this abandonment:
 - 2.1 A public utility easement upon the north eight (8) feet of the Jomax Parcel.
- 2.2 A non-vehicular access easement upon the north one (1) foot of the Jomax Parcel.
 - 2.3 A public utility easement upon the west eight (8) feet of the 116th Street Parcel.
- 2.4 A non-vehicular access easement upon the west one (1) foot of the 116th Street Parcel. Notwithstanding the foregoing, such easement shall not preclude vehicular use of two private roads proposed to be hereafter created by a plat proposed to be approved by the City of

Resolution No. 6679 Page 2 of 2

Scottsdale on either side of the rock outcropping located at approximately the Lariat Lane alignment.

- 2.5 Any N.V.A.E. or other non-vehicular access easement or covenant in favor of the City that may already affect the Abandonment Right-of-way prior to this resolution.
- 2.6 Any N.A.O.S. or other open space easement or covenant in favor of the City that may already affect the Abandonment Right-of-Way prior to this resolution.
 - 2.7 An easement for all existing utilities.
- 2.8 Such rights and interests, if any, as are required to be reserved by A.R.S. Sec. 28-7210 and A.R.S. Sec. 28-7215.

	PASSED , 2005.	AND	ADOPTED	by	the	Council	of	the	City	of	Scottsdale	this	 day	of
	Mary Manross, Ma							Mayo	or					
ATTES	ST:													
By:														

APPROVED AS TO FORM

Carolyn Jagger, City Clerk

Deborah Røbberson, Acting City Attorney

By:

COLLINA E. VISTA 10' P.U.E. & ROADWAY EASEMENT ABANDONMENT JUNE 8, 2005 Job No. 5049.2 Page 1 of 1

THE SOUTH 10 FEET OF THE NORTH 55 FEET OF PARCEL NO. 7, THE GOLDIE BROWN PINNACLE PEAK RANCH: UNIT TWO, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE RECORDER OF MARICOPA COUNTY, ARIZONA IN BOOK 194 OF MAPS, PAGE 26, LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 7;

THENCE SOUTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, ALONG THE WEST LINE OF SAID PARCEL 7. A DISTANCE OF 44.96 FEET:

THENCE, LEAVING SAID WESTLINE OF PARCEL 7, NORTH 89 DEGREES 54 MINUTES 06 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED;

THENCE NORTH 89 DEGREES 50 MINUTES 46 SECONDS EAST, A DISTANCE OF 1,244.95 FEET:

THENCE SOUTH 01 DEGREES 35 MINUTES 47 SECONDS WEST, A DISTANCE OF 10.00 FEET.

THENCE SOUTH 89 DEGREES 50 MINUTES 46 SECONDS WEST, A DISTANCE OF 1,244.65 FEET:

THENCE NORTH 00 DEGREES 05 MINUTES 54 SECONDS WEST, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED.

THIS DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A FIELD SURVEY.



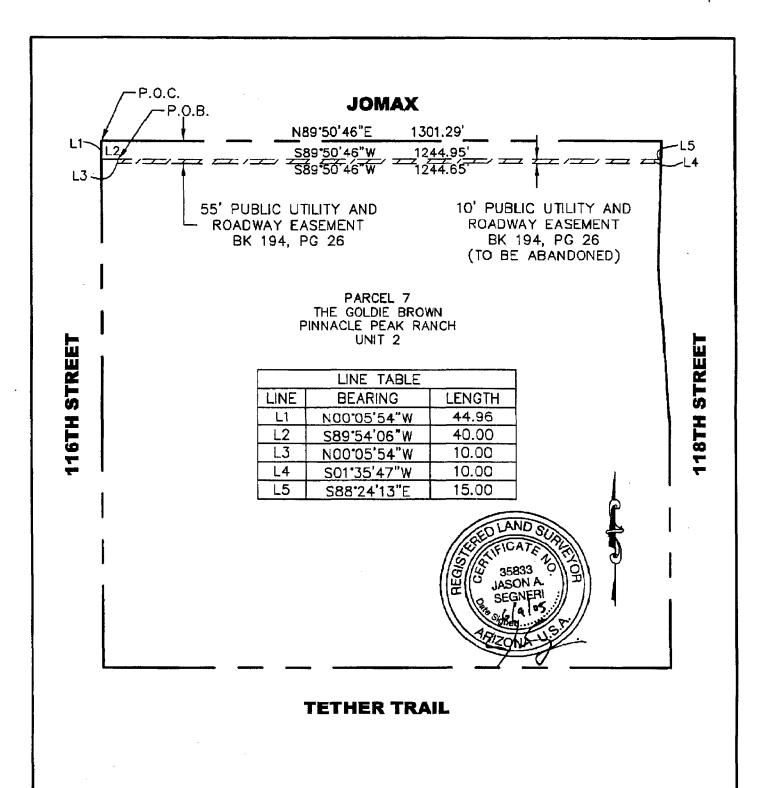


EXHIBIT "A"

SIG

SURVEY INNOVATION GROUP, INC

10' EASEMENT ABANDONMENT COLLINA E. VISTA SCOTTSDALE, ARIZONA

Ph (480) 922 0780 Land Surveying Services Fx (480) 922 0781 JOB # 5049 DWG: 5049-EXREV-2 DATE: 6-8-05 B340 E. RAINTREE DR., STE C-1A, SCOTTSDALE, AZ 85260 SCALE: N.T.S. DRAWN: CJM CHK: JAS SHEET 1 OF 1

COLLINA E. VISTA 15' P.U.E. & ROADWAY **EASEMENT ABANDONMENT**

APRIL 8, 2005 Job No. 5049.2 Page 1 of 1

A PORTION OF SOUTH 15 FEET OF PARCEL NO. 7, THE GOLDIE BROWN PINNACLE PEAK RANCH: UNIT TWO, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE RECORDER OF MARICOPA COUNTY, ARIZONA IN BOOK 194 OF MAPS, PAGE 26, LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL NO. 7:

THENCE, ALONG THE SOUTH LINE OF SAID PARCEL 7, NORTH 89 DEGREES 59 MINUTES 27 SECONDS WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED;

THENCE CONTINUING WESTERLY ALONG SAID LINE, A DISTANCE OF 1,261,48 FEET;

THENCE NORTH 00 DEGREES 05 MINUTES 54 SECONDS WEST, LEAVING SAID SOUTH LINE OF PARCEL 7, A DISTANCE OF 15.00 FEET;

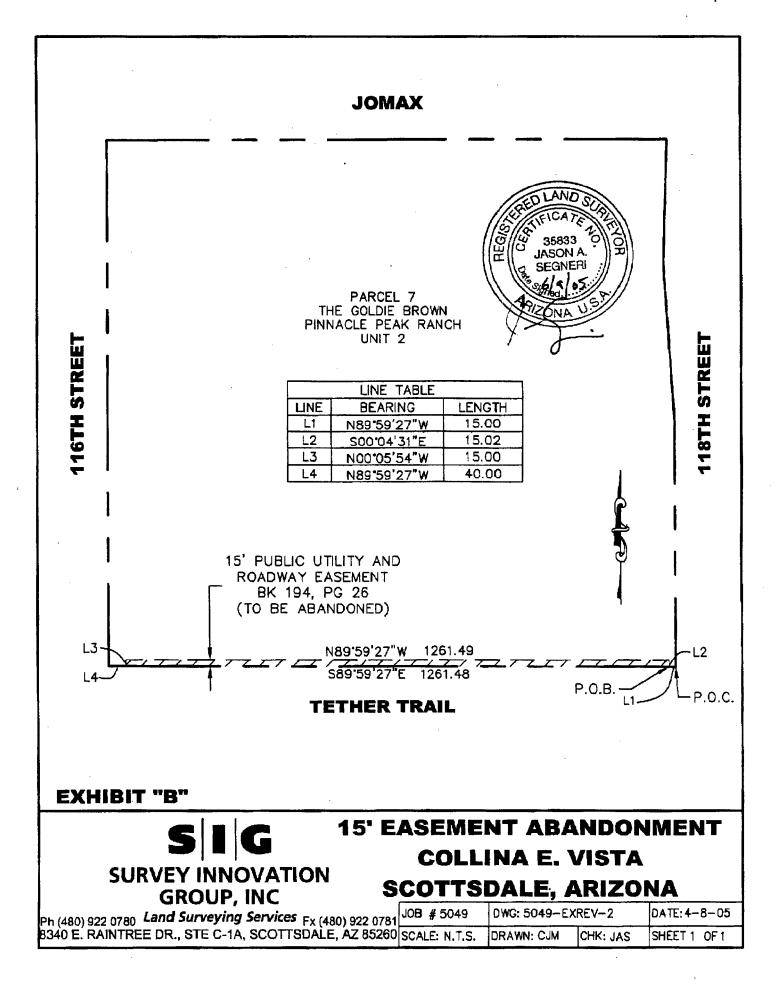
THENCE SOUTH 89 DEGREES 59 MINUTES 27 SECONDS EAST, A DISTANCE OF 1,261.49 FEET:

THENCE SOUTH 00 DEGREES 04 MINUTES 31 SECONDS EAST, A DISTANCE OF 15.02 FEET POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED.

THIS DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A FIELD SURVEY.



EXHIBIT B



COLLINA E. VISTA 15' P.U.E. & ROADWAY EASEMENT ABANDONMENT JUNE 9, 2005 Job No. 5049.2 Page 1 of 1

THE EAST 15 FEET OF THE WEST 40 FEET OF PARCEL NO. 7, THE GOLDIE BROWN PINNACLE PEAK RANCH: UNIT TWO, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE RECORDER OF MARICOPA COUNTY, ARIZONA IN BOOK 194 OF MAPS, PAGE 26, LOCATED IN SECTION 3, TOWNSHIP 4 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL 7;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL 7, SOUTH 89 DEGREES 59 MINUTES 27 SECONDS EAST, A DISTANCE OF 25.00 FEET TO THE **POINT OF BEGINNING POINT** OF THE EASEMENT ABANDONMENT HEREIN DESCRIBED

THENCE NORTH 00 DEGREES 05 MINUTES 54 SECONDS WEST, A DISTANCE OF 1,210.14 FEET;

THENCE NORTH 89 DEGREES 50 MINUTES 34 SECONDS EAST, A DISTANCE OF 15.00;

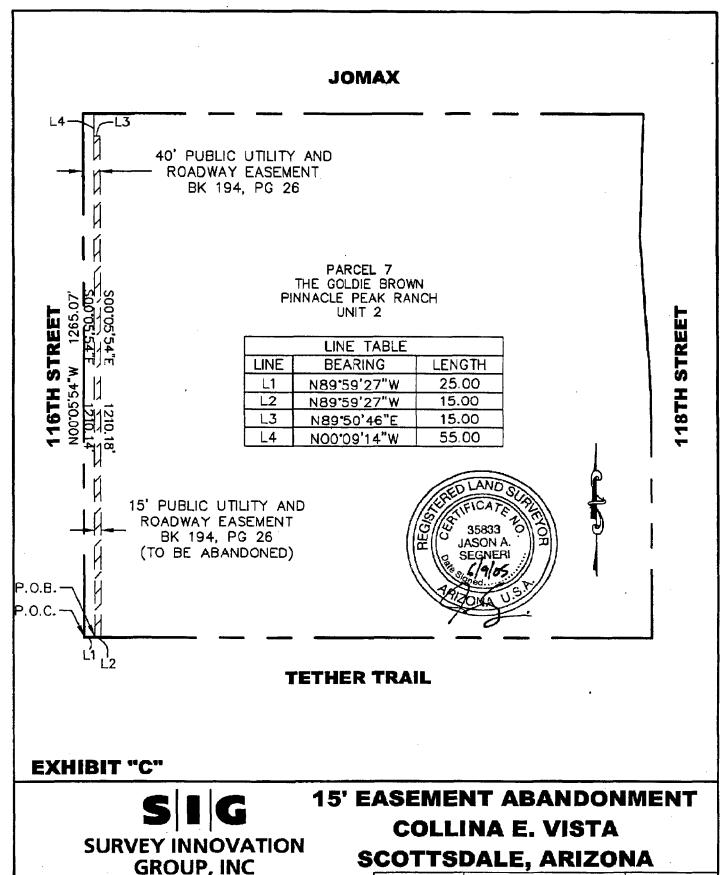
THENCE SOUTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, LEAVING SAID NORTH LINE, A DISTANCE OF 1,210.18 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL 7.

THENCE ALONG THE SOUTH LINE OF SAID PARCEL 7, NORTH 89 DEGREES 59 MINUTES 27 SECONDS WEST, A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT ABANDONMENT HEREIN DESCRIBED.

THIS DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF A FIELD SURVEY.



EXHIBIT C



Ph (480) 922 0780 Land Surveying Services Fx (480) 922 0781 JOB # 5049 DWG: 5049-EXREV DATE: 6-8-05 8340 E. RAINTREE DR., STE C-1A, SCOTTSDALE, AZ 85260 SCALE: N.T.S. DRAWN: CJM CHK: JAS SHEET 1 OF 1